

UPDATED INFORMATIVE DIGEST

Current law authorizes a County Child Welfare Services (CWS) agency social worker to take into and maintain temporary custody of a minor who has been declared a dependent child of the juvenile court or who the social worker has reasonable cause to believe is a child who has suffered serious harm or is at substantial risk of suffering serious harm as a result of abuse or neglect. Current law authorizes a CWS agency social worker to continue the temporary detention of a child until the child is placed or detained in the home of a relative, nonrelative extended family member or a licensed home or facility. Once a child is placed, current law imposes upon the care provider duties to provide adequate care and supervision. However, there are currently no laws or regulations which establish a duty on the CWS agency to provide adequate care and supervision to children in their custody.

These regulations are adopted now to ensure that a consistent and necessary standard of care and safety is maintained by a CWS agency for a child during the time a child is in the temporary custody of a CWS social worker. These rules are intended to fill a gap in the standard of care and supervision that exists in current CWS regulations and to minimize the potential traumatic impact of removing a child from the care of a parent, guardian or out-of-home care provider.

The proposed regulations also provide the authority for CDSS to investigate complaints related to transitional care, conduct site reviews and monitor county compliance with corrective action plans.

The CDSS anticipates that the proposed regulation will provide a minor dependent child adequate care and supervision in an environment free from undue hazards which is one of the basic duties and responsibilities for County CWS Agencies outlined, and also ensuring that all adults who have contact with children have a California criminal record clearance. Ultimately, these amendments will directly improve the health and safety of California residents, especially assisting minor children in securing a brighter future ahead of them.

Post-hearing changes:

The regulations were noticed on June 3, 2016. Testimony was received during the 45-day public comment period and changes were made to the proposed regulations as a result of the testimony. Those changes include, as annotated in double underline and double-strikethrough:

Amending Section 31-137.3 to read:

.3 The length of time a child may remain in transitional care ~~may remain in an assessment or receiving center or other unlicensed child care facility or location~~ shall be less than 24 hours.

.31 The child's caseworker and/or any worker involved in placement of the child shall document in the child's case file any location where the child stayed for a period of 24 hours or more during the period of transitional care, and information

explaining why the child was not placed in an approved or licensed home or facility during this time period.

- .311 The child's caseworker and/or any worker involved in placement of the child shall enter the child's removal time, removal date, and location in the child's case file within 12 hours of removal.

15-Day Renotice:

The complete regulations text with post-hearing modifications was made available for a 15-day public comment period from October 14, 2016 to October 28, 2016, and again for a second 15-day public comment period from May 17, 2017 through May 31, 2017. Testimony was received during both comment periods and the comments and responses are detailed in the Final Statement of Reasons. Further changes to the proposed regulations are described below, as annotated in italicized double underline and italicized double strike-through:

Amending Section 31-137.3 to read:

- .2 During the period a child is in transitional care, the county child welfare agency or probation agency shall:
- .21 Provide or ensure the provision of adequate care and supervision to the child, which shall include the following:
- .211 ~~Adequate~~ ~~Food that meets the nutritional, medical, and age-appropriate needs of the child;~~
- .212 Supervision by ~~an adequate number of trained staff in a sufficient number trained~~ to address the needs of each child and to ensure the safety and wellbeing of each child~~ren~~ in crisis;
- .213 Age-appropriate activities;
- .214 Ensuring the child's medical needs are met.
- .215 Protecting the personal rights of each child~~ren~~ as appropriate and consistent with Welfare and Institutions Code Section 16001.9, considering the transitional care setting.
- .22 Ensure that all adults having ~~regular~~ contact with children obtain a criminal record clearance consistent with California Health and Safety Code Section 1522.
- .23 Ensure that a check of the Child Abuse Central Index has occurred for all adults who have ~~regular~~ contact with children in transitional care consistent with California Health and Safety Code Section 1522.1.

.24 Provide a physical environment that *is safe, clean, sanitary and in good repair at all times, ~~adequately protects the health and safety of the child~~* including, but not limited to:

.241 Adhering to local zoning, safety and building ordinances;

.242 Provision of ~~adequate~~ sleeping arrangements *that address the physical and ~~when needed that meet~~ age-appropriate privacy needs of each child~~ren~~*;

.243 Provision of ~~adequate~~ working bathrooms and bathing areas *that address the physical and age-appropriate privacy needs of each child.*

.3 The length of time a child may remain in transitional care ~~may remain in an assessment or receiving center or other unlicensed child care facility or location~~ shall be less than 24 hours.

.31 *The child's caseworker and/or any worker involved in placement of the child shall enter the child's removal time, removal date, and location in the child's case file within 12 hours of removal.*

~~.31~~ .32 *In addition to the documentation required in .31, ~~the~~ the child's caseworker and/or any worker involved in the placement of the child shall specifically identify ~~shall~~ document in the child's case file any location where the child stayed for a period of 24 hours or more during the period of transitional care, and information explaining why the child was not placed in an approved or licensed home or facility during this time period.*

~~.311~~ *The child's caseworker and/or any worker involved in placement of the child shall enter the child's removal time, removal date, and location in the child's case file within 12 hours of removal.*

~~.32~~ .33 The social worker or probation officer shall adhere to the responsibilities for placement as specified in Section 31-405.

.4 The California Department of Social Services, Children and Family Services Division ~~may shall~~

.41 Investigate complaints related to alleged violations of this section, *which may include*;

.412 *Conducting* inspections of the buildings and grounds where children in transitional care are located and to conduct interviews of individuals relating to the provisions of transitional care;

.413 Developing a corrective action plan or review a corrective action plan developed by the county child welfare services agency or probation agency to correct identified deficiencies in the fulfillment of the requirements of this section;

.414 Monitoring county child welfare services agency and probation agency compliance with the approved corrective action plan;

.452 Takeing action as appropriate pursuant to Welfare and Institutions Code Section 10605 to ensure compliance with these regulations.

.5 The CFSD may delegate its authority to conduct the ~~appropriate activities listed in of this section~~ .41 to the California Department of Social Services, Community Care Licensing Division, to ensure prompt complaint response and deficiency correction.